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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 GG Insurance Services Incorporated,

10 Plaintiff,

11 v.

12 Myles Johnson, et al.,

13 Defendants.
14

No. CV-23-01964-PHX-KML

ORDER

15 The adoption of separate discovery schedules for the preliminary injunction and for
16 trial on the merits has generated an inordinate amount of work for the parties and the court.
17 The parties now generally agree that proceeding directly to trial on the merits is preferable
18 to resolving the preliminary injunction request shortly before the full trial. To prevent
19 wasteful duplication of effort by the parties and the court, consolidation is appropriate. The
20 court adopts a unified schedule for all discovery and disclosures that will allow the parties
21 and the court to focus on bringing this litigation to a close.

22 Plaintiff GG Insurance Services Inc. filed this case on September 19, 2023. (Doc.
23 1.) In April 2024, more than seven months later, GG filed its first motion for preliminary
24 injunction. (Doc. 47.) Shortly after that, the court issued the initial case management order.
25 That order established two sets of deadlines for expert discovery. The first set of deadlines
26 applied to expert evidence to be used in connection with the motion for preliminary
27 injunction and the other set applied to expert evidence to be used at trial. (Doc. 56 3.)
28 Expert disclosures for purposes of the preliminary injunction were to be completed by

1 August 23, 2024, which was later extended to September 27, 2024. (Doc. 78.) Expert
2 disclosures for purposes of trial were to be completed by June 13, 2025. (Doc. 56 at 3.) As
3 of now, that deadline remains in place.

4 The initial case management order did not set two sets of deadlines for fact
5 discovery. Instead, all fact discovery was to be completed by July 11, 2025. (Doc. 56 at 2.)
6 That deadline remains in place. The initial case management order also set August 29,
7 2025, as the deadline for dispositive motions, and informed the parties that each party was
8 limited to one such motion. (Doc. 56 at 6.) As of now, that dispositive motion deadline
9 and limitation remain in place.

10 The preliminary injunction hearing was first set for September 24, 2024. (Doc. 63.)
11 In July 2024, the parties requested that hearing be reset for late October or early November
12 2024. (Doc. 79.) Instead of rescheduling the hearing, on September 4, 2024, the court
13 denied the motion for preliminary injunction. The court informed GG it could renew its
14 motion once it had obtained the discovery it believed necessary. (Doc. 84.) The court also
15 noted that although there were different discovery deadlines for the preliminary injunction
16 and trial on the merits, “a single schedule may be more appropriate.” (Doc. 84 at 4.)

17 After the motion for preliminary injunction was denied, the parties continued with
18 their often-contentious discovery. On February 7, 2025, GG renewed its motion for
19 preliminary injunction. (Doc. 132.) That motion was not fully briefed until March 10, 2025.
20 (Doc. 147, 158.) On March 19, 2025, the parties requested a two-month extension of “all
21 pending deadlines,” including an extension to November 7, 2025, for dispositive motions.
22 (Doc. 169 at 2.) The court denied that request, explaining it would not be appropriate to
23 extend the deadline for dispositive motions beyond September 19, 2025, the two-year
24 anniversary of the complaint’s filing. (Doc. 170 at 2.) The court ordered the parties to file
25 a revised schedule that would allow for dispositive motions to be filed by that September
26 date. The court also ordered the parties to address whether it would be appropriate to
27 consolidate the preliminary injunction with trial on the merits.

28 The parties’ proposed revised schedule would set October 1, 2025, as the deadline

1 for expert depositions and October 27, 2025, as the deadline for *Daubert* motions. But the
2 parties now disagree on the need for a dispositive motion deadline. (Doc. 173.) GG believes
3 the motion to enforce an alleged settlement agreement filed by Myles Johnson should
4 prevent any additional dispositive motion by any defendant. Defendants disagree and
5 request the court set September 19, 2025, as the dispositive motion deadline for all
6 defendants except for Myles Johnson. (Doc. 173.) That deadline would be before the end
7 of discovery, which almost never makes sense.

8 On the issue of consolidation, defendants do not oppose consolidation “so long as
9 such trial is set no earlier than October 2, 2025.” (Doc. 178 at 3.) GG agrees consolidation
10 is appropriate if no more dispositive motions are allowed. If additional dispositive motions
11 are prohibited, GG requests trial be set “after Halloween this year.” (Doc. 176 at 2.) But if
12 dispositive motions are allowed, GG requests the court resolve the pending motion for
13 preliminary injunction instead of consolidating it with trial on the merits. GG believes
14 allowing dispositive motions will delay matters and will “put this matter into 2026 without
15 any kind of preliminary or permanent injunctive relief in sight.” (Doc. 176 at 2.) Given that
16 GG itself requests trial no earlier than November 2025, holding trial early in 2026 (as the
17 court’s schedule likely will permit) would mean a delay of only a few months from GG’s
18 preferred trial date.

19 “[D]istrict courts enjoy a wide latitude of discretion in case management” and that
20 discretion should be exercised consistent with “the courts’ overriding obligation to construe
21 and administer the procedural rules so as ‘to secure the just, speedy, and inexpensive
22 determination of every action and proceeding.’” *Ahanchian v. Xenon Pictures, Inc.*, 624
23 F.3d 1253, 1255 (9th Cir. 2010) (quoting Fed. R. Civ. P. 1); *see also Murray v. Laborers*
24 *Union Loc. No. 324*, 55 F.3d 1445, 1452 (9th Cir. 1995) (“District court judges must have
25 ample discretion to control their dockets.”); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260 (9th
26 Cir. 1992) (noting “[d]istrict courts have the inherent power to control their dockets”). In
27 an exercise of that discretion, the court allows each side to file one future dispositive
28 motion, adopts an accelerated schedule, and consolidates the preliminary injunction with

1 trial on the merits.

2 Beginning with whether additional dispositive motions are appropriate, defendant
3 Myles Johnson filed a dispositive motion in the form of his request to enforce the settlement
4 agreement. Johnson may not file an additional motion.¹ All other defendants have not yet
5 filed a dispositive motion, and they are entitled to do so. But any such motion must be a
6 single motion filed collectively. That is, each defendant is not permitted to file a separate
7 motion. GG may file its own dispositive motion as well.

8 Dispositive motions must be filed by September 19, 2025, and all discovery must
9 be completed prior to that date. The previous schedule that provided for different deadlines
10 regarding the preliminary injunction is vacated. A single schedule governing all aspects of
11 this case is adopted.² But the parties' proposed schedule is rejected because it would not
12 have discovery completed before dispositive motions. With discovery complete prior to
13 September 19, and following the normal briefing schedule for dispositive motions, the
14 motions will be ripe for ruling in early November 2025. The court will resolve the motions
15 expeditiously and the case will be ready for trial in the first half of 2026, assuming trial is
16 necessary.

17 Because dispositive motions will be resolved in late 2025 or early 2026 and trial
18 will occur shortly thereafter, it would be inefficient to address the pending preliminary
19 injunction motion before trial. As explained by another court, "litigation of preliminary
20 injunctions often causes undue duplication and waste of time and resources."
21 *Dynaenergetics Eur. GmbH v. Hunting Titan, Inc.*, No. CV H-17-3784, 2021 WL 3022435,
22 at *11 (S.D. Tex. July 15, 2021); *see also N. B. v. United States*, 552 F. Supp. 3d 387, 396
23 (E.D.N.Y. 2021) ("[A] separate trial on the merits would be a waste of time and
24 resources."). That is particularly true here because the case has already been pending for a
25 significant amount of time, GG waited months to file its first preliminary injunction

26 ¹ In light of this restriction, Johnson may withdraw his pending motion so as to join the
27 future motion filed by all defendants. If he wishes to do so, he must notify the court of that
28 decision by April 16, 2025.

² The motion in limine is based in large part on an alleged failure to comply with the
disclosure deadline applicable to the preliminary injunction. Consolidating the preliminary
injunction means the motion in limine is moot.

1 motion, all discovery will be completed soon, and the court is prepared to proceed to trial
 2 in a timeframe only slightly delayed from that proposed by GG.³ In these circumstances,
 3 consolidating the preliminary injunction with trial on the merits “will ultimately lead to a
 4 more expeditious resolution of the entire case and better serve the interests of justice.” *Zorn*
 5 *v. U.S. Dep’t of Just.*, No. CV H-22-2396, 2024 WL 718198, at *1 (S.D. Tex. Feb. 12,
 6 2024).

7 Finally, on April 7, 2025, GG filed a “partial objection” to a Rule 45 subpoena sent
 8 to non-party Tecnet Limited Liability Company dba TeamLogicIT. (Doc. 181.) GG may
 9 be able to assert some objections to that subpoena, such as those involving attorney-client
 10 privilege. But GG likely does not have the ability to assert other objections on TeamLogic’s
 11 behalf such as its objections that the subpoena is “vague and overbroad.” (Doc. 181 at 2–
 12 3.) Regardless of whether GG is entitled to assert certain objections, GG is a party and was
 13 required to comply with the court’s discovery dispute procedures. (Doc. 56 at 5.) GG
 14 cannot avoid those procedures merely because the subpoena is aimed at a non-party,
 15 particularly when it makes clear on every page of its “partial objection” it is “Plaintiff”—
 16 i.e., GG—objecting to the subpoena. (Doc. 181 at 2–4.) To prevent an additional avenue
 17 of evasion, if TeamLogic IT were to appear separately through the same counsel as GG,
 18 TeamLogic IT would be required to comply with the court’s discovery dispute procedures.
 19 The partial objection is overruled. If GG or TeamLogic IT represented by GG’s counsel
 20 wish to object to the subpoena, it must follow the court’s discovery dispute procedures.

21 Accordingly,

22 **IT IS ORDERED** the Motion for Preliminary Injunction (Doc. 132) is **DENIED**.

23 **IT IS FURTHER ORDERED** the Motion to Seal (Doc. 159) is **DENIED AS**
 24 **MOOT**. This order shall not be sealed.

25 **IT IS FURTHER ORDERED** the Motion for Leave to File Native Email File in
 26 connection with the motion for sanctions (Doc. 165) is **GRANTED**.

27 ³ Even excluding time periods which the court agreed would not be attributed to GG (*e.g.*
 28 Docs. 104, 126), the months GG waited before filing its first preliminary injunction motion
 and repeated extension requests afterwards undercut its expressed desire for “prompt”
 injunctive relief. (Doc. 176 at 2.)

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2 **IT IS FURTHER ORDERED** the Motion to Seal in connection with the motion
3 for sanctions (Doc. 167) is **GRANTED**. The Clerk of Court shall file under seal the
4 document lodged at Doc. 168.

5 **IT IS FURTHER ORDERED** the Motion to Withdraw (Doc. 174) is **GRANTED**.
6 Plaintiff's cross-motion is withdrawn, and plaintiff may file a dispositive motion.

7 **IT IS FURTHER ORDERED** the Motion in Limine (Doc. 177) is **DENIED**.

8 **IT IS FURTHER ORDERED** the Stipulation (Doc. 173) is **GRANTED IN**
9 **PART**. The deadline for lay witness depositions is **June 25, 2025**, the deadline for the
10 party with the burden of proof to complete expert disclosures is **July 16, 2025**, the deadline
11 for the responding party to complete expert disclosures is **August 15, 2025**, the deadline
12 for rebuttal expert reports is **September 2, 2025**, the deadline for expert depositions is
13 **September 10, 2025**, and the deadline for dispositive motions is **September 19, 2025**. The
14 deadline for motions challenging expert testimony will be set in the trial-setting order.

15 **IT IS FURTHER ORDERED** the Partial Objection (Doc. 181) is **OVERRULED**.

16 Dated this 9th day of April, 2025.

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20 **Honorable Krissa M. Lanham**
21 **United States District Judge**
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